

Bond Case Briefs

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PREEMPTION - WASHINGTON

Anti-Smoking Alliance v. Tacoma-Pierce County Department of Health and Health Board

Court of Appeals of Washington, Division 2 - June 2, 2020 - P.3d - 2020 WL 2847009

Anti-smoking nonprofit, which included vapor product retailers, brought action against county board of health for injunction against enforcement of new ordinances affecting vapor product sellers.

Trial court denied health board's motion for summary judgment. After hearing, the Superior Court granted permanent injunction but denied nonprofit's request for attorney fees and costs. Health board appealed.

The Court of Appeals held that:

- Legislature expressly intended to preempt local regulation of field of vapor product promotions and sales at retail;
- Ordinances constituted regulation of vapor product promotions and sales at retail;
- Nonprofit members had clear legal right to be free from local regulation of vapor product promotions and sales at retail; and
- Sufficient evidence supported finding that ordinances would cause actual and substantial injury to nonprofit members.